

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ANGEL CRUZ-TINEO,
Defendant.

17-CR-527 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

In 2019, Defendant Angel Cruz-Tineo was arrested and charged with, among other things, the sale of heroin in violation of the conditions of his supervised release. (*See* Dkt. No. 77.) Defendant admitted to the specification, and the Court sentenced him to a term of twelve months and one day of imprisonment. (*See id.*) Defendant has served approximately three months of his sentence.

Defendant now moves for early release pursuant to 18 U.S.C. § 3624, which authorizes the Bureau of Prisons to release prisoners serving the final weeks or months of their sentences to home confinement. (Dkt. No. 83.) But that provision grants the Bureau of Prisons the limited authority to place a prisoner in home confinement “for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.” 18 U.S.C. § 3624(c)(2). In this case, the shorter of the two terms would be approximately a month and six days. Defendant, however, has approximately nine months left on his sentence. Accordingly, the Bureau of Prisons lacks authority at this time to release him pursuant to § 3624. Defendant’s motion is denied without prejudice to renewal at a time when the conditions set forth in the statute are satisfied.

SO ORDERED.

Dated: April 1, 2020
New York, New York


J. PAUL OETKEN
United States District Judge